

Decision 03-03-022 March 13, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Greenlining Institute, Latino Issues
Forum,

Complainants,

vs.

Pacific Bell, Pacific Bell Information Services,

Defendants.

Case 99-01-039
(Filed January 27, 1999)

OPINION ON REQUEST FOR INTERVENOR COMPENSATION

This decision awards The Greenlining Institute and Latino Issues Forum (jointly GLIF) \$229,785.34 in compensation for substantial contributions to Decision (D.) 01-04-037. This award reflects a discount of claimed professional hours in light of our denial in D.01-04-037 of GLIF's allegations of unlawful conduct but in acknowledgment that GLIF brought problems with the voicemail service offering to our attention, developed the factual record, and recommended remedies that we adopted.

1. Background

In D.01-04-037 we denied GLIF's complaint but ordered Pacific Bell Telephone Company (Pacific) and Pacific Bell Information Services (PBIS) (jointly Defendants) to revise their tariffs and bill format to create clearer references and cross-references to call forwarding and the business line usage charges associated

with the use of voicemail. Specifically, we ordered Defendants to provide greater clarity in their tariffs in the areas of necessary and optional call forwarding services, including capitalizing terms that are the names of services Pacific and PBIS offer and that are described in other tariffs, clarifying the distinction between generic call forwarding available from competitive local carriers and Pacific's call forwarding service, and referencing the message retrieval process. We also required Defendants to disclose up-front all business line usage charges in voicemail promotions and sales contacts, to use clear and unambiguous language in all such disclosures, to ensure future training of customer service representatives on business line usage charges is consistently comprehensive, and to disclose usage charges when a customer applies, moves, or changes voicemail service. We also directed Defendants to revise their bill format to include a statement that the direct-dialed total includes business line usage charges and whether the voicemail monthly charge includes call forwarding.

GLIF timely filed its Request for Compensation on June 18, 2001. GLIF filed Errata to its Request on August 7, 2001. Pacific filed a response to the Request and an objection to the Errata. On October 11, 2002 GLIF filed an Amendment to the Request. Pacific filed a response to the Amendment on November 8, 2002.

2. Requirements for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Pub. Util. Code

§§ 1801-1812.¹ Section 1804(a) requires an intervenor to file an NOI to claim compensation within prescribed time periods. The NOI must present information regarding the nature and extent of the customer's planned participation and an itemized estimate of the compensation the customer expects to request.² It may also request a finding of eligibility.

Other code sections address requests for compensation filed after a Commission decision is issued. Under § 1804(c), an intervenor requesting compensation must provide "a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding." Section 1802(h) states that "substantial contribution" means that,

"in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation."

Section 1804(e) requires the Commission to issue a decision that determines whether the customer has made a substantial contribution and what amount of compensation to award. The level of compensation must take into

¹ All statutory citations are to the Public Utilities Code.

² To be eligible for compensation, an intervenor must be a "customer," as defined by § 1802(b). In today's decision, "customer" and "intervenor" are used interchangeably.

account the market rate paid to people with comparable training and experience who offer similar services, consistent with § 1806.

3. NOI to Claim Compensation

GLIF timely filed its NOI and was found eligible for compensation in this proceeding by a May 19, 1999 ruling. The ruling deferred a finding on significant financial hardship, because GLIF elected to make its showing in its request.

GLIF contends both The Greenlining Institute and Latino Issues Forum meet the financial hardship requirements of §1803(b) under the requirements of § 1804(b) and (c). GLIF relies on findings in recent decisions, D.00-04-003 and D.00-04-011; however, only D.00-04-011 makes the finding of significant financial hardship. While we can take notice of that finding in this proceeding, we note that the period at issue in that proceeding was 1998 and the periods at issue in this proceeding are 1998 and 1999. However, in D.01-09-011, we found that GLIF satisfied the financial hardship test for work performed in 1999.

4. Substantial Contribution to Resolution of Issues

Pursuant to Pub. Util. Code § 1802(h), a party may make a substantial contribution to a decision in one of several ways. It may offer a factual or legal contention upon which the Commission relied in making a decision, or it may advance a specific policy or procedural recommendation that the administrative law judge (ALJ) or Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total.³

³ The Commission has provided compensation even when the position advanced by the intervenor is rejected. D.89-03-063 awarded San Luis Obispo Mothers For Peace and

Footnote continued on next page

GLIF believes it has substantially contributed to D.01-04-037, because the Commission, in seven of nine ordering paragraphs, ordered relief on a going forward basis. Pacific states that GLIF did not make a substantial contribution and failed to allocate its effort to the specific findings, conclusions and directives in D.01-04-037. In its Amendment, GLIF contends that D.02-09-022, an order modifying D.01-04-037, but denying rehearing, provides additional support for a determination that GLIF made a substantial contribution to the resolution of this proceeding, because it adopts another variation of a remedy recommended by GLIF. Pacific responds that the rehearing order rejected GLIF's arguments but provided clarification of the earlier order.

As identified in the April 16, 1999, Assigned Commissioner's scoping memo, the primary issues in this proceeding were: 1) Defendants' intent to deceive customers about the total costs of business voicemail; 2) whether or not deception occurred; and 3) the scope of any remedies, as appropriate. GLIF did not prevail on the deception issues but did contribute to the remedies ordered in D.01-04-037.

Demonstration of substantial contribution is difficult in a proceeding such as this one, where a complaint is brought alleging deceptive practices, where the

Rochelle Becker compensation in Diablo Canyon Rate Case because their arguments, while ultimately unsuccessful, forced the utility to thoroughly document the safety issues involved). (See also, D.89-09-103, Order modifying D.89-03-063, which stated that in certain exceptional circumstances, the Commission may find that a party has made a substantial contribution in the absence of the adoption of any of its recommendations. Such a liberalized standard should be utilized only in cases where a strong public policy exists to encourage intervenor participation because of factors not present in the usual Commission proceeding. These factors must include (1) an extraordinarily complex proceeding, and (2) a case of unusual importance. Additionally, the Commission may consider the presence of a proposed settlement.)

specific allegation is not proven but more generic remedies are fashioned. GLIF alleged Defendants filed ambiguous tariffs and failed to disclose call forwarding's role and charges in the use of business voicemail and the costs of retrieving messages. GLIF attempted to prove the failure to disclose such practices was deliberate and deceptive. We disagreed, although we concurred that Defendants' practices needed modification.

GLIF recommended the Commission mandate disclosures in Defendants' advertising of and billing for voicemail services, and require Defendants to rewrite their tariffs to disclose usage charges. GLIF further recommended that the Commission order Defendants to comply with Pub. Util. Code § 2890 and to quote rate information in a clear and concise manner. We ordered relief consistent with these recommendations. GLIF also recommended we order newspaper ads, an independent study of Defendants' practices, a public education advertising campaign, and appointment of consumer ombudsmen. We did not order that relief. Although we agree that GLIF made substantial contributions to D.01-04-037 in that we ordered clarifications to billing, tariff and disclosure procedures, we also recognize that GLIF did not prevail on the violations alleged and must correspondingly reduce its request, as discussed below.

5. The Reasonableness of Requested Compensation

GLIF requests a total of \$392,966.75:⁴

Attorney Costs

Chris Witteman (1015.3 hours @ \$250/hour)	\$253,825.00
Susan Brown (107 hours @ \$260/hour)	\$ 27,820.00
Robert Gnaizda (194.65 hours @ \$300/hour)	\$ 58,395.00
Subtotal	\$340,040.00

Expert Costs

John Gamboa (32.4 hours @ \$250/hour)	\$ 8,100.00
Michael Phillips (63 hours @ \$250/hour)	\$15,750.00
Thomas J. Hargadon (51 hours @ \$250/hour)	\$12,750.00
Subtotal	\$36,600.00

Other Costs

Photocopies	\$ 3,299.55
Postage	\$ 56.54
Airfare	\$542.00
Depositions	\$9,912.75
Administrative Services	\$2,452.91
Exhibit Preparation	\$63.00
Subtotal	\$ 16,326.75
TOTAL	\$392,966.75

⁴ GLIF's initial request was \$410,723.75 but the request lacked itemization. GLIF provided itemization in its Errata and revised the request to \$399,896.75. On October 21, 2002, GLIF amended its request to \$392,966.75 by adjusting its request for Phillips' hourly rate from \$360 to \$250 an hour.

5.1 Overall Benefits of Participation

In D.98-04-059, the Commission adopted a requirement that a customer demonstrate that its participation was “productive,” as that term is used in § 1801.3, where the Legislature provided guidance on program administration. (See D.98-04-059, *mimeo.* at 31-33, and Finding of Fact 42.) D.98-04-059 explained that participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. This exercise assists us in determining the reasonableness of the request and in avoiding unproductive participation.

GLIF does not quantify in dollar terms the benefits ratepayers received by GLIF’s initiation and handling of the complaint. Indeed, no penalty was imposed, and the remedies ordered were comparable to relief afforded in quasi-legislative rather than adjudicatory proceedings. Nevertheless, there are qualitative observations we can make that demonstrate the general level of effort by intervenors here, with certain hours disallowed as discussed below, was justifiable and productive. First, we found that disclosure to business customers that charges for voicemail services also include local usage charges for call retrieval and call forwarding was required by statute. Second, this proceeding may affect many new small businesses, many of which are minorities or novice business people. Third, we were the appropriate forum to resolve these issues as a similar case had been dismissed by the Superior Court based on the primary/exclusive jurisdiction of the Commission.

All of these factors lead us to conclude that GLIF’s prosecution of the proceeding that led to D.01-04-037 was productive (after the disallowances

discussed below) and yielded ratepayer benefits in excess of the costs incurred. We adopted many remedies or variations of remedies GLIF advocated. Although we did not sustain GLIF's allegations for the most part, or penalize Defendants as requested by GLIF, the remedies we adopted were based on the factual record developed by GLIF.

5.2 Hours Claimed

GLIF's request includes time records for Christopher Witteman, Susan Brown, Robert Gnaizda, and John Gamboa and invoices for two consultants, Michael Phillips and Thomas Hargadon. GLIF does not provide a summary by year of fees requested for each attorney and advocate.

GLIF states it attempted to perform an itemized allocation among the four issues it identified—tariff issues, billing issues, other disclosure and false advertising issues, and general, which includes time otherwise not divisible such as initial preparation time, research, etc. GLIF believes a fair allocation among would be approximately 25% of the total time for each of the four categories. GLIF's proposed 25% allocation appears reasonable overall for its attorneys' time; however, its consultants and expert worked on specific issues.

GLIF is not requesting compensation for time spent on this proceeding after December 22, 1999, when the Presiding Officer's decision issued, a reduction in total time of approximately 25%.⁵ GLIF also waives all time spent by Jose Hernandez. Pacific states GLIF's voluntary reduction in requested compensation should be given little weight, since GLIF spent that time on an

⁵ The request does include two hours for Brown for 2001 for preparation of the fee request and Errata.

unsuccessful appeal. Pacific further states that the time spent on this proceeding was excessive given the relief ordered—revisions to Pacific’s tariffs and additional disclosures.

Although we have determined that GLIF was productive in this proceeding because GLIF substantially contributed to our findings on remedies, GLIF did not prevail on its deceptive practices allegations. Because GLIF devoted significant resources to proving the deceptive practices allegations without success, we must reduce GLIF’s award. Accordingly, we will award compensation for all of GLIF’s hours allocated to general, as these are costs incurred irrespective of outcome. We will reduce claimed hours for billing, tariff, other disclosure and false advertising by 50%. This reduction acknowledges that GLIF prevailed on many of the remedies it requested and that although remedies were only one third of the issues addressed in this proceeding, as defined by the scoping memo, some of GLIF’s efforts related to deceptive practices were useful to demonstrate that remedies were appropriate. The reduction in hours reflects that GLIF’s primary purpose in filing this complaint was to prove illegal conduct. Nonetheless, GLIF’s corresponding concern, to correct defendants’ tariffs, billing and marketing practices concerning business voicemail, required dedicated resources. By this reduction, we encourage the filing of complaints that address problems with service offerings, while acknowledging that the complainants’ allegations may not be proved.

Witteman claimed 1,015.3 hours. We disallow 18.2 hours claimed by Witteman because the itemization notes the work performed was by three paralegals. We also disallow 46.8 hours expended by Witteman on a different proceeding, our General Order 96-B rulemaking, R.98-07-038. Six hours are related to preparation of the request for compensation and will be compensated

at half the adopted hourly rate. These adjustments leave 944.3 hours to which we apply the reduction for failure to prevail described above. As described above, 25% of GLIF's attorneys' time was allocated to general; for Witteman this is 236.1 hours. The remainder of his hours should be reduced by 50%, resulting in compensable hours of 354.1 ($50\%(708.2)$) related to remedies. Therefore, Witteman will be compensated for 590.2 hours ($236.1 + (50\%(708.2))$) at his full hourly rate and 6.0 hours at half his hourly rate.

Brown claimed 107.0 hours. Three hours are related to preparation of the request for compensation and will be compensated at half the adopted hourly rate. We apply a reduction for failure to prevail to the remaining 104 hours. Twenty-five percent of Brown's time is allocated to general, equaling 26.0 hours, for which full compensation is awarded. The remainder of her hours should be reduced by 50%, resulting in fully compensable hours of 39.0 ($50\%(78.0)$) related to remedies. Therefore, Brown will be compensated for 65.0 hours ($26.0 + (50\%(78.0))$) at her full hourly rate and 3.0 hours at half her hourly rate.

Gnaizda claimed 194.7 hours. We disallow 4.8 hours in Gnaizda's request for discussions with outside counsel regarding representation in this proceeding. GLIF did not retain outside counsel. This disallowance leaves 189.9 hours to which we apply a reduction for failure to prevail. We allocate 25% of Gnaizda's time to general, 47.5 hours. The remainder of his hours should be reduced by 50%, resulting in compensable hours of 71.2 ($50\%(142.4)$) related to remedies. Therefore, Gnaizda will be compensated for 118.7 hours ($47.5 + (50\%(142.4))$) at his full hourly rate.

Based on a review of the invoices and description of hours of experts, expert time was targeted to specific rather than general issues; therefore, we apply our reduction for failure to prevail on the full number of hours claimed.

Gamboa claimed 32.4 hours. These hours should be reduced by 50%, resulting in compensable hours of 16.2 (50%(32.4)) related to remedies.⁶ Phillips claimed 63.0 hours. These hours should be reduced by 50%, resulting in compensable hours of 31.5 (50%(63.0)) related to remedies. Hargadon claimed 51.0 hours, resulting in compensable hours of 25.5 (50%(51.1)) related to remedies.

5.3 Hourly Rates

Section 1806 requires the Commission to compensate eligible parties at a rate that reflects the "market rate paid to persons of comparable training and experience who offer similar services." For work performed in 1999, GLIF proposes hourly rates of \$300 for Gnaizda, \$260 for Brown, \$250 for Witteman, and \$250 for Gamboa. In D.02-08-022 we adopted an hourly rate of \$300 for Gnaizda and \$275 for Brown in 1999. We will set hourly rates for Gnaizda as requested and will set Brown's rate as previously authorized.⁷

We previously set a \$200 hourly rate for Witteman for 1999 in D.01-09-045, but more recently, we set Witteman's hourly rate for 2000 at \$255. (D.02-07-030.) In this proceeding, Witteman's declaration notes his 16 years of experience,

⁶ We note that 21.0 hours of Gamboa's claimed time related to preparing his testimony and testifying. An additional ten hours is related to preparing for and attending a deposition, presumably related to his prepared testimony. Gamboa's testimony consisted of five pages, two of which summarized his work experience and past experience testifying before the Commission. We are concerned that the number of hours claimed appears to exceed the number of hours necessary to prepare testimony of this scope. However, because we have reduced Gamboa's hours on another basis, we need not evaluate whether the hours are excessive.

⁷ Gnaizda's request includes a limited number of hours for 1998 (11.9) and Brown's request includes 3.5 hours for 1998 and 2001. We will compensate all hours for this proceeding only for Gnaizda and Brown at the authorized rates for 1999.

including 10 years of telecommunications experience as of 1999. In 1989, when he was in private practice, Witteman's billing rate was \$185 an hour. Witteman was lead counsel for GLIF in this proceeding. Due to his years of experience and lead role in this proceeding, and in consideration of the \$255/hour we have authorized for Witteman's work performed in 2000, we will set Witteman's rate for 1999 at \$245 for this proceeding only.⁸

We previously adopted an hourly rate of \$135 for Gamboa for 1998. GLIF notes that Gamboa is both Executive Director of Greenlining Institute and an expert in Latino/ethnic minority interests in telecommunications. Gamboa was employed by a major telephone utility for 11 years and has served on advisory and corporate partnership boards in his capacity as an expert in Latino/minority ethnic interests. Gamboa also has testified in numerous Commission proceedings over the past five years.

In D.02-05-011, we declined to modify Gamboa's authorized rate, because Gamboa participated in the underlying proceeding in his capacity as Executive Director of Greenlining Institute. In this proceeding, Gamboa's requested hours are almost exclusively in his capacity as an expert witness in Latino/ethnic minority interests in telecommunications. In D.02-05-011, we noted that experts provide different services to the market, and we discussed two witnesses' work in technical areas such as modeling and analysis. We also noted that we awarded witness Marcus \$145/hour in 1997 and 1998. We raised Marcus' hourly rate to \$150 for 1999 in D.00-02-008. In this proceeding, GLIF has not demonstrated what the market rate may be for persons with comparable training

⁸ Witteman's request includes a limited number of hours for 1998. We will compensate allowed hours for 1998 at \$245 an hour for this proceeding only.

and experience in Gamboa's field.⁹ In light, however, of Gamboa's considerable experience before the Commission, we authorize an hourly rate of \$150 for Gamboa for his participation as an expert; the new rate is an 11% increase over the rate we authorized for Gamboa's work in the year just prior to this proceeding.

We have reviewed the request for an hourly rate of \$250 for expert Hargadon. The Commission has previously utilized this rate for work performed by Hargadon. (See D.01-09-045, D.96-06-029, and D.96-12-029.) Hargadon's previous testimony before this Commission and his employment in telecommunications consulting and media work justify the continued reasonableness of this rate for 1999. We set Phillips' hourly rate at \$250 in D.94-11-055 and D.95-11-008. Phillips' prior testimony before the Commission, his expertise in Pacific's marketing practices and his background in business issues justify this rate for 1999.

5.4 Other Costs

GLIF requests \$16,327 for photocopying, postage, airfare, administrative services, and depositions. We decline to authorize compensation for administrative duties provided by outside contractors. In prior decisions, including D.00-04-011, we have found that professional fees assume administrative and clerical overhead costs and are set accordingly. In its Amendment, GLIF states that the outside contractors provided paralegal, in

⁹ GLIF states that the the California Department of Insurance (DOI) recently awarded Gamboa an effective rate of \$290.50/hour when it awarded GLIF 83% of its requested compensation (Decision Awarding Compensation, File No. 1C02019862.) That decision did not address the specific hours or rates requested by GLIF advocates and therefore we cannot tell what rates were utilized by the DOI to award compensation.

addition to administrative support, but does not allocate the time spent on paralegal work. We will allow the separately itemized cost of \$63 for preparation of exhibits by the outside contractors, a paralegal task. GLIF states airfare requested was for the attendance of two witnesses, Michelle Canas and Mary Ann Mitchell, at hearings. We will allow the request. We approve \$13,873.84 in other costs.

6. Award

We award GLIF \$229,785.34, for substantial contributions to D.01-04-037, calculated as follows:

Advocate	Year	Rate	Hours	Total
Wittman, professional	1999	\$245.00	590.2	\$144,599.00
Wittman/comp	1999	\$122.50	6.0	\$ 735.00
Brown	1999	\$275.00	65.0	\$ 17,875.00
Brown/comp	1999	\$137.5	3.0	\$ 412.50
Gnaizda	1999	\$300.00	118.7	\$ 35,610.00
Gamboa	1999	\$150.00	10.2	\$ 2,430.00
Phillips	1999	\$250.00	31.5	\$ 7,875.00
Hargadon	1999	\$250.00	25.5	\$ 6,375.00
Other Costs				\$ 13,873.84
Total				\$229,785.34

We order that Pacific and PBIS pay this award. Consistent with previous Commission decisions, we order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day

after GLIF filed their compensation requests and continuing until defendants make full payment.

As in all intervenor compensation decisions, we put GLIF on notice that the Commission Staff may audit GLIF's records related to this award. Thus, GLIF must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. GLIF's records should identify specific issues for which it requests compensation, the actual time spent by each employee, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

7. Waiver of Comment Period

Pursuant to Rule 77.7(f)(6), the otherwise applicable 30-day period for public review and comment is being waived.

8. Assignment of Proceeding

Carl Wood is the Assigned Commissioner and ALJ Jean Vieth¹⁰ is the assigned ALJ in this proceeding.

Findings of Fact

1. GLIF has made a timely request for compensation for its contribution to D.01-04-037.
2. GLIF contributed substantially to D.01-04-037.
3. GLIF's participation (after certain hours are disallowed, as set forth in the foregoing Opinion) was productive.
4. GLIF's financial hardship showing relies on the findings of a recent Commission decision.

¹⁰ This proceeding formerly was assigned to Commissioner Neeper.

5. GLIF's hours allocated to general for preparation, research, etc., are fully productive.

6. Hours claimed for billing, tariff, other disclosure and false advertising are productive if reduced by 50% because although GLIF prevailed on many remedies, remedies were only one third of the issues addressed in this proceeding. The hours claimed are only reduced by 50% because some of the efforts related to deceptive practices were useful to demonstrate that remedies were appropriate.

7. The reductions reflect that GLIF's primary purpose in filing this complaint was to prove illegal conduct and that the Commission denied that allegation in D.01-04-037.

8. GLIF has requested compensation for time spent by Witteman on the General Order 96-B rulemaking and has included time spent by paralegals in Witteman's fee request. We reduce Witteman's hours accordingly.

9. GLIF has requested a new hourly rate for attorney Witteman and has provided support for that increase. Witteman's hourly rate for 1999 for this proceeding is set at \$245/hour.

10. GLIF has requested a new hourly rate for expert Gamboa and has provided support for that increase. Gamboa's hourly rate for 1999 as an expert is set at \$150/hour.

11. Hourly rates requested here for Brown and Gnaizda are in accord with those set in D.02-08-022 and those previously approved rates are appropriate.

12. GLIF has requested hourly rates for Phillips and Hargadon previously approved by the Commission.

13. GLIF has requested \$2,452.92 for administrative time, which we will not allow. Consistent with Commission precedent, e.g., D.00-04-011, our

professional for awards are assumed to include administrative and clerical overhead.

14. The other miscellaneous costs incurred by GLIF are supported in its request for compensation and should be allowed.

Conclusions of Law

1. GLIF has fulfilled the requirements of §§ 1801-1812 except as described in the foregoing findings.

2. Consistent with standards governing substantial contribution and productivity, GLIF's professional hours are reduced as described herein.

3. GLIF should be awarded \$229,785.34 for its contribution to D.01-04-037.

4. Per Rule 77.7(f)(6) of the Commission's Rules of Practice and Procedure, the comment period for this compensation decision may be waived.

5. This order should be effective today so that GLIF may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. The Greenlining Institute and Latino Issues Forum (jointly GLIF) is awarded \$229,785.34 in compensation for its substantial contribution to D.01-04-037.

2. Pacific Bell Telephone Company and Pacific Bell Information Services shall pay GLIF the award granted by Ordering Paragraph 1. Payment shall be made within 30 days of the effective date of this order. GLIF shall also receive interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15, beginning with the 75th day after June 18, 2001, the date the request was filed.

3. The comment period for today's decision is waived.
4. This proceeding is closed.

This order is effective today.

Dated March 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

Compensation Decision(s):	D0303022
Contribution Decision(s):	D0104037
Proceeding(s):	C9901039
Author:	ALJ Vieth
Payer(s):	Pacific Bell Telephone Company

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Reason Change/Disallowance
Greenlining Institute/Latino Issues Forum	6/18/01	\$392,966.75	\$229,785.34	Work performed in another proceeding; failure to prevail; failure to justify hourly rate; failure to discount intervenor compensation preparation time; increase in hourly rate; undocumented costs

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Christopher	Wittelman	Attorney	Greenlining Institute/ Latino Issues Forum	\$250	1999	\$245
Susan	Brown	Attorney	Greenlining Institute/ Latino Issues Forum	\$260	1999	\$275
Robert	Gnaizda	Attorney	Greenlining Institute/ Latino Issues Forum	\$300	1999	\$300
John	Gamboa	Policy Expert	Greenlining Institute/ Latino Issues Forum	\$250	1999	\$150
Michael	Phillips	Policy Expert	Greenlining Institute/ Latino Issues Forum	\$250	1999	\$250
Thomas	Hargadon	Policy Expert	Greenlining Institute/ Latino Issues Forum	\$250	1999	\$250